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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,905	05/30/2006	Torsten Wahler	2002P16790WOUS	9223
28204	7590	03/26/2008		
SIEMENS SCHWEIZ AG I-47, INTELLECTUAL PROPERTY ALBISRIEDERSTRASSE 245 ZURICH, CH-8047 SWITZERLAND			EXAMINER PANG, ROGER L	
			ART UNIT 3681	PAPER NUMBER
			MAIL DATE 03/26/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,905	<b>Applicant(s)</b> WAHLER, TORSTEN	
	<b>Examiner</b> Roger L. Pang	<b>Art Unit</b> 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3-4-08</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The following action is in response to the amendment filed for application 10/537,905 on March 4, 2008.

#### ***Information Disclosure Statement***

The information disclosure statement filed on March 3, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

The other art has been considered, but the foreign art without copies have not.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer '553 in view of Stall '551. Fischer teaches a gearing comprising: a fixed, internally toothed internal gear 1, an annular, flexible toothed band 2 arranged so as to engage with the toothing of the internal gear, the toothed band having fewer teeth than the internal gear, and a rotatable wave generator 8 arranged to transmit a force to the toothed band via a tappet gear 3 such that a relative motion of the toothed band with respect to the internal gear results from a rotation of the wave generator, and a mating gear 4, and driving pins 6 (Paragraph 18 of the translation) shaped

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on a lateral face of the toothed band and arranged to engage in recesses of the mating gear (Fig. 2), wherein the axes of the wave generator and of the mating gear are parallel, and in that the recesses in the mating gear are radially extending grooves (Fig. 1; Fig. 2), wherein each groove has an outer edge and an inner edge. Fischer also teaches that the "indentation" (interpreted to be grooves, can be either flat, trapezoidal or of a pointed too profile with a small pitch (paragraph 18). Assuming the trapezoidal and pointed too profiles are opposite to each other, Fischer does teaches the groove wherein a difference between the outer edge and the inner edge on a circular arc does not equal zero, and wherein the difference is selected so that an outer distance between opposing outer edges of a groove is larger than an inner distance between opposing inner edges of a groove. Applicant has interpreted this description of "indentation" as the gear teeth profile, and not the grooves themselves. However, if this was true, a trapezoidal or pointed tooth profile (depending on interpretation) would still yield the same grooves as claimed. Since the disclosure of Fischer is open for interpretation, assuming that the Fischer is silent to the shape of the grooves, Stall teaches of an axial fixing assembly comprising the equivalent of driving pins 4 that are arranged to engage in recesses in a mating gear 2, wherein the axes of the driving pins and the mating gear are parallel, wherein the recesses in the mating gear are radially extending grooves (Fig. 4a), wherein each groove has an outer edge and an inner edge, wherein a difference between the outer edge and the inner edge on a circular arc does not equal zero, and wherein the difference is selected so that an outer distance between opposing outer edges of a groove is larger than an inner distance between opposing inner edges of a groove (Fig. 4a). It would have been obvious to one of ordinary skill at the time of the invention to modify Fischer to employ the recess shape of Stall, since Fischer (as interpreted by applicant) has allowed for both a

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trapezoidal or pointed tooth profile (thereby yielding the same groove profile), and in order to provide grooves for easier assembly.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer in view of Stall as applied to claim 1 above, and further in view of Hirn '115. Fischer teaches the gearing, wherein the gearing components may comprise of plastic parts based on intended use and price of the gear construction (paragraph 18 of the translation), but lacks the specific teaching of using injection-molded plastid. Hirn teaches a wave generator, wherein the plastic parts are injection molded (Col. 8, lines 52-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fischer to employ injection-molded plastic parts in further view Hirn in order to provide cost effective parts (Col. 8, line 57).

### ***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Please note that although it is believed that Fischer does teach the same groove as claimed, Stall has been brought in as a secondary reference in order to provide a more concrete visual example of a known groove that teaches the claimed limitations of the present invention.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on \_\_\_\_\_ (Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_  
\_\_\_\_\_

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roger L Pang/  
Primary Examiner, Art Unit 3681

Roger L Pang  
Primary Examiner  
Art Unit 3681

March 24, 2008